



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
Russell Diamond, et al.,

Plaintiffs,

- against -

American Bicycle Group LLC, et al.,

Defendants.
----- x

ORDER
07 Civ. 8609 (PAC)

HONORABLE PAUL A. CROTTY, United States District Judge:

The above-referenced case, which has been pending for 140 days, was assigned to this court on October 4, 2007. Our files and CM / ECF reflect that the complaint was never served on the defendants. It is hereby,

ORDERED, that plaintiff's counsel communicate with the court, in writing, as to why plaintiff has failed to serve the summons and complaint within the 120 days as prescribed by Rule 4(m) of the Federal Rules of Civil Procedure, or, if you believe that the defendant has been served, when and in what manner such service was made.

IT IS FURTHER ORDERED, that if we do not receive any communication from plaintiff's counsel by **Wednesday, February 27, 2008**, showing good cause why such service was not made within the 120 days, the court will dismiss the case for lack of prosecution. Please visit the court's individual practices at <http://www1.nysd.uscourts.gov/judges.php?show=district> with respect to communication with chambers.

Dated: New York, New York
February 21, 2008

SO ORDERED

A handwritten signature in black ink, appearing to read "Paul A. Crotty", written over a horizontal line.

PAUL A. CROTTY
United States District Judge